REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 10-21 are pending in the application, with Claims 1-9 cancelled and Claims 10-21 added by the present amendment.

In the outstanding Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter; Claim 4 was objected to under 37 C.F.R. 1.75; Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki (U.S. Patent No. 5,790,170); Claims 1-4 and 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Rackman (U.S. Patent No. 4,002,843).

Support for new Claims 10-21 is found in Applicants' originally filed specification. No new matter is added.

The objection to the specification and Claim 4, are moot in light of the present amendment.

Briefly recapitulating, new claims 10, 12, 13 recite, *inter alia*, a headend adapted to periodically generate a group identifier for broadcast to a group of subscribers associated with the group identifier.

Suzuki describes a subscriber terminal configured to send a demand including at least information for identifying the demand subscriber terminal, information for identifying the requested information, and information relating to the urgency of the requested information to an information distribution transmission center.[1] However, Suzuki fails to disclose or suggest Applicants' claimed "headend adapted to periodically generate a group identifier for broadcast to a group of subscribers associated with the group identifier."

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[1] Suzuki, abstract.

Rackman describes a two-way cable system in which the deliberate introduction of continuous upstream message interference at any subscriber terminal does not destroy the efficacy of the system. Each subscriber terminal is coupled through an interface unit to the cable, and the interface unit permits upstream transmission of a message from the respective terminal only following recognition by the interface unit of the downstream transmission of the address of the respective terminal. Because the interface units are located off the premises of the subscribers, a deliberately introduced interference signal on a subscriber line cannot reach the cable except during the respective time slot of the subscriber.[2] In particular, Rackman describes that "immediately after the 14-bit address is transmitted, a 32-bit message is transmitted by the subscriber terminal in the same way. ... It is thus apparent that the central control transmits a message to and receives a message from every subscriber terminal at a rate of approximately once every 1.5 seconds in the case of a 15,000 system."[3] In other words, Rackman teaches that the address of subscriber equipment is sent to each equipment individually during its time slot. However, Rackman fails to disclose or suggest Applicants' claimed "headend adapted to periodically generate a group identifier for **broadcast** to a group of subscribers associated with the group identifier." That is, the transmission of Rackman is not a broadcast.

Claims 11 and 18 recite, *inter alia*, receiving, as part of the request, a subscriber terminal identifier distinct from the unique group identifier. Suzuki fails to disclose or suggest receiving, as part of the request, a subscriber terminal identifier distinct from the unique group identifier. Rackman describes "It is assumed that the 16 subscribers which share the same interface unit have the same ten most significant bits in their addresses; the 16 subscribers are separately identifiable by the four least significant bits in the 16 addresses. These four bits are the first which are transmitted in any address and since their exact values

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[2] Rackman, abstract.
[3] Rackman, Col. 7, lines 7-38

make no difference insofar as address recognition by the interface unit of FIG. 3 is concerned, they are not stored in the shift register."[4] In other words, Rackman teaches that terminals sharing the same interface unit share the same most significant 10 bits of the terminal address. The terminal address is not distinct from the group identifier. The unique terminal address is formed from 4 least significant bits that ID terminal from others having same interface unit, and 10 bits that are same for terminals having same interface unit. Thus, the subscriber group ID is not distinct from a unique subscriber equipment address, such that the subscriber group ID does not form a part of the unique subscriber equipment address. Thus, Rackman fails to disclose or suggest receiving, as part of the request, a subscriber terminal identifier distinct from the unique group identifier.

Claims 12, 13, 20 recite, *inter alia*, periodically generating the group identifier for broadcast to the group of subscribers as part of a program stream. Both Suzuki and Rackman fail to disclose or suggest periodically generating the group identifier for broadcast to the group of subscribers as part of a program stream.

Claim 14 recites, *inter alia*, that the application server is adapted to extract a subscriber group identifier received in a request for video on demand data. No teaching of the application server extracting the subscriber group id from a request for video on demand data can be found in either Suzuki and Rackman. Claim 14 further recites that the video server is adapted to cooperate with the application server to identify one or more of the modulators associated with the subscriber group identifier and to stream video on demand data to the modulators in response to the request. No teaching of such cooperation between a video server and application server is present in either Suzuki or Rackman.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

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[4] Rackman, Col. 8, lines 47-58

reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Suzuki does not disclose or suggest all the features recited in Applicants' new independent claims, Suzuki does not anticipate the invention recited in Applicants' new independent claims, and all claims depending therefrom.

Also, as none of the cited prior art, individually or in combination, disclose or suggest all the elements of Applicants' new independent claims, Applicants submit the inventions defined by Applicants' new independent claims, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.[5]

[5] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Michael E. Monaco
Registration No. 52,041

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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